

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Minutes for

COMMISSION MEETING

10:30 a.m., August 18, 2017

Location: Conference Room, SC Commission on Indigent Defense, 1330 Lady Street, Columbia, SC

Members Present: Harry Dest, Hon. Edward Cottingham, Billy Epps, Jack Howle, Jr., Yvonne Murray-Boyles, John Nichols, Ashley Pennington, Hon. Costa Pleicones, Ashlin Potterfield (phone), Doug Strickler, Walker Willcox (phone)

Members Absent: Sen. Gerald Malloy, Rep. Murrell Smith

Staff Present: Hugh Ryan, Herverly Young, Lawrence Brown, Lori Frost, Rodney Grizzle, Bob Dudek

There being a quorum, the Chair called the meeting to order.

At the commencement of the meeting, Director Ryan informed the Commission that Judge Duane Shuler had resigned from the Commission for personal reasons. He then introduced Retired South Carolina Supreme Court Chief Justice Costa Pleicones, who has been appointed to the Commission by Chief Justice Beatty. The Commission members welcomed Chief Justice Pleicones to the Commission.

Approval of Minutes: A motion was made to approve the minutes of the meeting of May 19, 2017. That motion was seconded and passed by unanimous vote.

Legislative Session/Budget Update

FY 17-18 Budget Summary: Director Ryan informed the Commission that the Agency continues to experience reductions in fee and fine revenues because of various reasons, including conversion to civil judgments of amounts owed and fewer violations for fee and fines. The Agency will have carry-forward funds of approximately \$4.7 million, but actually only \$2.9 million of those are available because the other funds are committed by mandate for certain purposes. Many Agency funds are restricted monies, such as the Rule 608 fund for appointed counsel, so any overages stay in those funds. With continued increases in DSS and Sexually Violent Predator cases, payments out of those funds will continue to increase. Funding for Capital Cases continues to decrease; however, the costs for the Byars Juvenile Life without Parole cases are being paid out of Capital Case funds. The 608 contract attorney program continues to be successful with over 90% of the attorneys renewing contracts for the next year.

Discussion was had about how best to manage the carry-forward funds over which the Commission has discretion. The Commission discussed distributing \$1 million of the carry over funds to the Circuit Public Defenders with the clear designation that the funds are not recurring funds, and that they are to be used by the circuit public defenders for certain designated purposes, such as upgrades, equipment, supplies, etc. A motion was made to distribute \$1

million of the Agency carryover funds to the Circuit Public Defenders Offices on a per capita basis in two separate distributions, one in September, 2017 and one in December, 2017. That motion was seconded and passed by unanimous vote.

FY 18-19 Budget Priorities: Director Ryan discussed that the Commission is not seeking additional funding from the legislature this year except for \$127,192.13 as a continuing budget item to continue implementation and maintenance of computer equipment and services under the new State system.

Indigency Screening Proviso Update: Director Ryan informed the Commission that staff has contacted every county in the State to determine how indigency screening is currently being handled and is currently working on various alternative option proposals for a uniform indigency screening system

Public Defender Training Update: Mr. Brown informed the Commission that the first Juvenile Defense Training Workshop including 608 attorneys was held August 4, 2017, and was very well attended and received, so planning if moving forward for further juvenile training workshops. A training for all 608 attorneys handling Post-Conviction Relief cases is upcoming. Planning is underway for a seminar for attorneys dealing with Sexually Violent Predator cases, and Public Defense 101 is set for November 20 and 21.

Commission Meeting Schedule for Calendar Year 2018: Director Ryan informed the Commission that by statute, the Commission is supposed to publish a meeting schedule for the upcoming calendar year. Director Ryan stated that he would prepare a proposed calendar for consideration at the next meeting.

Executive Session: A motion was made and approved to go into executive session for a legal update on the Brooks matter. Chief Justice Pleicones recused himself from any discussion of or participation in the matter and left the room during the Executive Session. Upon return to regular session, no action was taken on any matter discussed in Executive Session.

Next Meeting Date: November 17 or December 8, 2017 were set tentatively as possible dates for the next meeting, with the Director to make a final determination.

There being no further business, a motion to adjourn was made, seconded and passed, and the meeting adjourned at noon.

Respectfully submitted,

Lawrence Brown
Deputy General Counsel